

### **REMARKS**

Claim 6 is objected to because it is missing a period at the end of the sentence. Claim 6 is amended to end with a period.

Claims 1-16 are rejected under 35 U.S.C. §112 as being indefinite.

Regarding claim 1, the term “device” has been amended to “firmware device” to more clearly describe the device to which the phrase refers. The term “restoring” has been removed.

Regarding claim 4, the term “said device” has been removed by amendment.

Regarding claim 5, claim 5 is canceled.

Regarding claim 6, the term “additional configuration data” has been modified with “not included in said extracted configuration data.” Additional configuration data may be obtained from user input, network queries or by other means and may be used to configure a firmware structure.

Regarding claim 7, the term “said device” has been amended to “said firmware device.”

Regarding claim 12, claim 12 is canceled.

Regarding claim 13, the term “said method” is amended to “said system.”

Regarding claim 15, the term “additional configuration information” has been modified with “additional configuration data not included in said extracted configuration data.” Additional configuration data may be obtained from user input, network queries or by other means and may be used to configure a firmware structure.

Claims 1 and 3 are rejected under 35 U.S.C. §102(e), as being anticipated by U.S. Patent Publication No. 2003/0204711 A1 to Guess (Guess).

Claim 1 is amended to more particularly point out the novel aspects of the claimed embodiments of the present invention. Claim 1 now comprises the elements of “combining said configuration data with a new firmware structure thereby creating a configured firmware structure” and “downloading said configured firmware structure to said firmware device.”

These elements are not taught in Guess, which teaches on-board storage of configuration data during a firmware update, but no integrated combination of firmware and configuration data before writing the firmware structure to the device.

Claim 3 is dependent on claim 1 and is patentable for the reasons stated above in regard to claim 1.

Accordingly, the examiner is requested to withdraw this rejection in light of the current amendments.

Claims 2 and 4-16 are rejected under 35 U.S.C. §103(a), as being unpatentable over U.S. Patent Publication No. 2003/0204711 A1 to Guess (Guess) in view of U.S. Patent Publication No. 2002/0104080 to Woodard (Woodard).

Independent claims 1, 4, 7 and 13 have been amended to comprise elements describing a combination of configuration data with a new firmware structure before writing the configured firmware structure to the firmware device. This element is not taught in the combination of Guess and Woodard. While Guess teaches storage of configuration data during a firmware update and Woodard teaches storage of operating

system configuration data on a network server, this combination does not teach the combination of configuration data with a firmware structure before writing the firmware to the firmware device. Accordingly, these claims are allowable in their amended form.

Dependent claims 2, 6, 8-11 and 14-16 are dependent on claims comprising this novel and non-obvious combination and are allowable for the reasons stated above for their corresponding independent claims.

In light of the amendments and arguments presented above, the examiner is requested to withdraw these rejections and proceed with allowance of this application.

Respectfully submitted,

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